

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Catherine Wysocki v. Sam's East, Inc., d/b/a Sam's Club, Wal-Mart, Inc.

Case Number	49D07-2104-CT-011946
Court	Marion Superior Court 7
Type	CT - Civil Tort
Filed	04/09/2021
Status	04/09/2021 , Pending (active)

#### Parties to the Case

Defendant Sam's East, Inc., d/b/a Sam's Club

Address

c/o Registered Agent, CT Corporation System  
334 N. Senate Avenue  
Indianapolis, IN 46204

Attorney

Thomas L Davis  
#442349, Retained

FROST BROWN TODD LLC  
201 North Illinois Street - Suite 1900  
Indianapolis, IN 46204  
317-237-3800(W)

Defendant Wal-Mart, Inc.

Address

c/o Registered Agent CT Corporation System  
334 N. Senate Avenue  
Indianapolis, IN 46204

Attorney

Thomas L Davis  
#442349, Retained

FROST BROWN TODD LLC  
201 North Illinois Street - Suite 1900  
Indianapolis, IN 46204  
317-237-3800(W)

Plaintiff Wysocki, Catherine

Address

342 North Lynhurst Drive  
Indianapolis, IN 46224

Attorney

Teresa L Todd  
#161249, Retained

Attorney at Law  
22 East Washington Street  
Suite 210  
Indianapolis, IN 46204  
317-341-4003(W)

## Chronological Case Summary

04/09/2021 **Case Opened as a New Filing**

04/09/2021 **Complaint/Equivalent Pleading Filed**

Complaint For Damages

Filed By: Wysocki, Catherine  
File Stamp: 04/09/2021

04/09/2021 **Appearance Filed**

Appearance For Plaintiff

For Party: Wysocki, Catherine  
File Stamp: 04/09/2021

04/09/2021 **Subpoena/Summons Filed**

Summons To Sams' East, Inc., d/b/a Sam's Club

Filed By: Wysocki, Catherine  
File Stamp: 04/09/2021

04/09/2021 **Subpoena/Summons Filed**

Summons To Wal-Mart, Inc.

Filed By: Wysocki, Catherine  
File Stamp: 04/09/2021

04/19/2021 **Service Returned Served (E-Filing)**

Return Of Service On Defendant, Sam's East, Inc. d/b/a Sam's Club

Filed By: Wysocki, Catherine  
File Stamp: 04/19/2021

04/19/2021 **Service Returned Served (E-Filing)**

Return Of Service On Defendant, Wal-Mart, Inc.

Filed By: Wysocki, Catherine  
File Stamp: 04/19/2021

05/06/2021 **Appearance Filed**

Appearance

For Party: Sam s East, Inc., d/b/a Sam s Club  
For Party: Wal-Mart, Inc.  
File Stamp: 05/06/2021

05/06/2021 **Answer to a Complaint Filed**

Sam's East, Inc.'s Answer

Filed By: Sam s East, Inc., d/b/a Sam s Club

File Stamp: 05/06/2021

05/06/2021 **Answer to a Complaint Filed**

Wal-Mart, Inc.'s Answer

Filed By: Wal-Mart, Inc.

File Stamp: 05/06/2021

**Financial Information**

\* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

**Wysocki, Catherine**

Plaintiff

Balance Due (as of 08/24/2021)

0.00

**Charge Summary**

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

**Transaction Summary**

Date	Description	Amount
04/09/2021	Transaction Assessment	157.00
04/09/2021	Electronic Payment	(157.00)

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49D07-2104-CT-011946

Marion Superior Court 7

Filed: 4/9/2021 4:55 AM

Clerk

Marion County, Indiana

IN THE MARION COUNTY      COURT NO.  
STATE OF INDIANA

CATHERINE WYSOCKI,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CAUSE NO.
	)	
SAM'S EAST, INC., d/b/a SAM'S CLUB, and	)	
WAL-MART, INC.,	)	
	)	
Defendants.	)	
	)	

**COMPLAINT FOR DAMAGES**

Comes now the Plaintiff, Catherine Wysocki, by counsel, and for her Complaint for Damages against the Defendants, Sam's East, Inc., d/b/a Sam's Club, and Wal-Mart, Inc., states that:

1. At all times mentioned herein, the Defendant, Sam's East, Inc., doing business as "Sam's Club" (hereinafter "Sam's Club"), was and is a Foreign For- Profit Corporation doing business in the State Of Indiana.

2. At all times mentioned herein, Sam's Club's principal office address was and is 702 SE 8<sup>th</sup> Street, Bentonville, Arizona 72716.

3. At all times mentioned herein, the Defendant, Wal-Mart, Inc. (hereinafter "Wal-Mart") was and is a Foreign For- Profit Corporation doing business in the State Of Indiana.

4. At all times mentioned herein, Wal-Mart's principal office address was and is 708 SE 8<sup>th</sup> Street, Bentonville, Arizona 72716.

5. At all times mentioned herein, the Defendant, Sam's Club, was and is a wholly-owned division of the Defendant, Wal-Mart.

6. At all times mentioned herein there was a Sam's Club store located at 5805 W. Rockville, Road, in Indianapolis, Indiana.

7. At all times mentioned herein, the Defendant, Wal-Mart, owned and operated the Sam's Club store located at 5805 W. Rockville, Road, in Indianapolis, Indiana.

8. The Sam's Club store located at 5805 W. Rockville, Road, in Indianapolis, Indiana is Store Number 6304.

9. On April 11, 2019, the Plaintiff, Catherine Wysocki, was a customer and business invitee at the Sam's Club store located at 5805 W. Rockville, Road, in Indianapolis, Indiana.

10. Because Catherine Wysocki was a customer and business invitee of the Defendants, they owed her a duty to exercise reasonable care for her safety while she was in their store.

11. As Catherine Wysocki was entering the Sam's Club store on April 11, 2019, an employee of the Defendants, Sam's East, Inc., d/b/a Sam's Club, and Wal-Mart, Inc. (hereinafter "the Defendants"), was pushing a row of shopping carts and caused the carts to strike the Plaintiff's body.

12. The Defendants, by and through their employee, were careless and negligent in moving the shopping carts and in causing or allowing them to strike the Plaintiff.

13. The Plaintiff, Catherine Wysocki, sustained injuries when the row of shopping carts struck her.

14. The Plaintiff's injuries have caused her pain and suffering and potentially permanent injury and damage.

15. The Plaintiff has required medical care and treatment for her injuries, for which she has incurred reasonable medical expenses.

16. There is a potential that the Plaintiff will require additional medical care and treatment for her injuries in the future, for which she will incur additional medical expenses.

17. As a direct and proximate result of the carelessness and negligence of the Defendants, Catherine Wysocki has been injured and damaged.

WHEREFORE, Catherine Wysocki prays for a judgment against the Defendants, Sam's East, Inc., d/b/a Sam's Club, and Wal-Mart, Inc., and each of them, in an amount commensurate with her injuries and damages, for the costs of this action, and for all other just and proper relief in the premises.



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Teresa L. Todd, #1612-49  
Attorney for Plaintiff, Catherine Wysocki

**Teresa L. Todd**  
**22 East Washington Street, Suite 210**  
**Indianapolis, Indiana 46204**  
**Telephone: (317) 341-4003**  
**Fax: (317) 759-7299**  
**E-mail: [terri@terriLtodd.com](mailto:terri@terriLtodd.com)**



IN THE MARION COUNTY SUPERIOR COURT NO. 7  
STATE OF INDIANA

CATHERINE WYSOCKI,

Plaintiff,

vs.

SAM'S EAST, INC., d/b/a SAM'S CLUB, and  
WAL-MART, INC.,

Defendants.

CAUSE NO. 49D07-2104-011946

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating X Responding \_\_\_ Intervening \_\_\_

1. The undersigned attorney now appears in this case for the following party member:

Name of Party: Plaintiff, Catherine Wysocki

Address: 342 North Lynhurst Drive  
Indianapolis, Indiana 46224

Telephone #: (317) 809-4441

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: Teresa L. Todd

Address: 22 East Washington Street, Suite 210  
Indianapolis, Indiana 46204

Attorney Number: 1612-49

Telephone: (317) 341-4003

Fax: (317) 759-7299

e-mail: terri@terrilTodd.com

3. There are other party members: No

4. The Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3):  
CT

5. This case involves child support issues. No

6. This case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order. No

7. This case involves a petition for involuntary commitment. No
8. There are related cases: No
9. This form has been served on all other parties. Yes
10. Additional information required by local rule: N/A
11. The undersigned Attorney certifies that the contact information listed for her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance.
12. The undersigned Attorney acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the e-mail addresses specified by the attorney on the Roll of Attorneys, regardless of other contact information supplied by the attorney.
13. The undersigned Attorney understands that she is solely responsible for keeping her Roll of Attorneys contact information current and accurate per Ind. Admis. Disc. R. 2(A).



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Teresa L. Todd, #1612-49  
Attorney for Plaintiff, Catherine Wysocki

**Teresa L. Todd**  
**22 East Washington Street, Suite 210**  
**Indianapolis, Indiana 46204**  
Telephone: (317) 341-4003  
Fax: (317) 759-7299  
E-mail: [terri@terriLtodd.com](mailto:terri@terriLtodd.com)





**SUMMONS****IN THE MARION COUNTY SUPERIOR COURT NO. 7  
STATE OF INDIANA**

CATHERINE WYSOCKI,

Plaintiff,

vs.

SAM'S EAST, INC., d/b/a SAM'S CLUB, and  
WAL-MART, INC.,

Defendants.

CAUSE NO. 49D07-2104-011946

**TO DEFENDANT:** Wal-Mart, Inc.  
c/o Registered Agent CT Corporation System  
334 N. Senate Avenue  
Indianapolis, Indiana 46204

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Amended Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An Answer or other appropriate response in writing to the Amended Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Dated 4/9/2021

*Myra A. Eldridge* (Seal)  
Clerk, Marion County Superior Court

**(The following manner of service of summons is hereby designated.)**

- ☒ Registered or certified mail.
- ☐ Service at place of employment, to-wit: \_\_\_\_\_
- ☐ Service on individual --- (Personal or copy) at above address.
- ☐ Service on agent. (Specify) \_\_\_\_\_
- ☐ Other service. (Specify) \_\_\_\_\_

Teresa L. Todd, #1612-49  
Attorney for Plaintiff

22 East Washington Street, Suite 210, Indianapolis, Indiana 46204  
Telephone: (317) 341-4003; Fax: (317) 759-7299



IN THE MARION COUNTY SUPERIOR COURT NO. 7  
STATE OF INDIANA

CATHERINE WYSOCKI,

Plaintiff,

vs.

SAM'S EAST, INC., d/b/a SAM'S CLUB, and  
WAL-MART, INC.,

Defendants.

CAUSE NO. 49D07-2104-011946

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**RETURN OF SERVICE ON DEFENDANT, SAM'S EAST, INC. d/b/a SAM'S CLUB**


I hereby certify that the attached Return Receipt was received by me, showing that the Plaintiff's Complaint for Damages and Summons were delivered to and accepted by the Defendant, Sam's East, Inc. d/b/a Sam's Club's, Registered Agent, CT Corporation System, on April 13, 2021.



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Teresa L. Todd, #1612-49  
Attorney for Plaintiff, Catherine Wysocki

Teresa L. Todd  
22 East Washington Street, Suite 210  
Indianapolis, Indiana 46204  
Telephone: (317) 341-4003  
Fax: (317) 759-7299  
E-mail: terri@terriLtodd.com

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Sam's East, Inc., d/b/a Sam's Club c/o Registered Agent, CT Corporation System 334 N. Senate Avenue Indianapolis, Indiana 46204</p> <p>9590 9402 5620 9308 6320 75</p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7019 1120 0001 0246 9443</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____</p>	
		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Indianapolis, IN 46204

**OFFICIAL USE**

Certified Mail Fee	\$3.60	0013
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.20	
Total Postage and Fees	\$7.65	04/09/2021

Sent To: Sam's East, Inc., d/b/a Sam's Club  
c/o Registered Agent, CT Corporation System  
334 N. Senate Avenue  
Indianapolis, Indiana 46204

PS Form 3800, April 2015 PSN 7530-02-000-8047 See Reverse for Instructions

IN THE MARION COUNTY SUPERIOR COURT NO. 7  
STATE OF INDIANA

CATHERINE WYSOCKI,

Plaintiff,

vs.

SAM'S EAST, INC., d/b/a SAM'S CLUB, and  
WAL-MART, INC.,

Defendants.

CAUSE NO. 49D07-2104-011946

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RETURN OF SERVICE ON DEFENDANT, WAL-MART, INC.

I hereby certify that the attached Return Receipt was received by me, showing that the Plaintiff's Complaint for Damages and Summons were delivered to and accepted by the Defendant, Wal-Mart, Inc.'s, Registered Agent, CT Corporation System, on April 13, 2021.


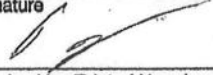


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Teresa L. Todd, #1612-49  
Attorney for Plaintiff, Catherine Wysocki

Teresa L. Todd  
22 East Washington Street, Suite 210  
Indianapolis, Indiana 46204  
Telephone: (317) 341-4003  
Fax: (317) 759-7299  
E-mail: terri@terriLtodd.com



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Wal-Mart, Inc. c/o Registered Agent CT Corporation System 334 N. Senate Avenue Indianapolis, Indiana 46204</p>  <p>9590 9402 5620 9308 6320 68</p> <p>2. Article Number (Transfer from service label)</p> <p>7019 1120 0001 0246 9450</p>		<p>A. Signature</p> <p><b>X</b> </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>APR 13</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

0546 9450 1120 0001 0246 9450

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

Indianapolis, IN 46204

Certified Mail Fee	\$3.60	0013
Extra Services & Fees (check box, add fee as appropriate)	\$2.25	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.20	
Total Postage and Fees	\$7.65	04/09/2021

Postmark Here

Send To **Wal-Mart, Inc.**  
c/o Registered Agent CT Corporation System  
334 N. Senate Avenue  
City, State **Indianapolis, Indiana 46204**

PS Form 3800, April 2015 PSN 7530-02-000-6047 See Reverse for Instructions



STATE OF INDIANA  
IN THE MARION COUNTY SUPERIOR COURT

CATHERINE WYSOCKI,	)	CAUSE NO. 49D07-2104-CT-011946
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
SAM'S EAST, INC. d/b/a	)	
SAM'S CLUB and WAL-MART, INC.,	)	
	)	
Defendants.	)	

**E-FILING APPEARANCE BY ATTORNEYS IN CIVIL CASE**

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating \_\_\_\_\_ Responding X Intervening \_\_\_\_\_; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of Party: **Sam's East, Inc. d/b/a Sam's Club and Wal-Mart Stores East, LP**  
(incorrectly sued as Wal-Mart, Inc.)

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name:	<b>Thomas L. Davis</b>	Attorney Number:	#4423-49
	<b>FROST BROWN TODD LLC</b>	Phone:	(317) 237-3800
Address:	<b>201 North Illinois Street, Suite 1900</b>	FAX:	(317) 237-3900
	<b>P.O. Box 44961</b>	Email:	tdavis@fbtlaw.com
	<b>Indianapolis, IN 46244-0961</b>		

**IMPORTANT:** Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and
- (c) understands that he/she is solely responsible for keeping his/her Roll of

Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

3. This is a CT case type as defined in administrative Rule 8(B)(3).
4. This case involves child support issues. Yes \_\_\_\_ No X
5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes \_\_\_\_ No X
6. This case involves a petition for involuntary commitment. Yes \_\_\_\_ No X
7. There are related cases: Yes \_\_\_\_ No X
8. Additional information required by local rule: None
9. There are other party members: Yes \_\_\_\_ No X
10. This form has been served on all other parties and Certificate of Service is attached:  
Yes X No \_\_\_\_

Respectfully submitted,

/s/ Thomas L. Davis

Thomas L. Davis, #4423-49

Frost Brown Todd LLC

201 N. Illinois Street

Suite 1900, P.O. Box 44961

Indianapolis, IN 46244-0961

T: (317) 237-3800

F: (317) 237-3900

tdavis@fbtlaw.com

*Attorneys for Defendant Sam's East, Inc. and Wal-Mart Stores East, LP (incorrectly sued as Wal-Mart, Inc.)*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of May, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Teresa L. Todd  
22 East Washington Street, Suite 210  
Indianapolis, IN 46204  
Email: [terri@terriLtodd.com](mailto:terri@terriLtodd.com)

/s/ Thomas L. Davis  
Thomas L. Davis

FROST BROWN TODD LLC  
201 North Illinois Street, Suite 1900  
P.O. Box 44961  
Indianapolis, IN 46244-0961  
Phone: (317) 237-3800  
Fax: (317) 237-3900  
[tdavis@fbtlaw.com](mailto:tdavis@fbtlaw.com)

LR08000.0742933 4851-4231-2424v1

**STATE OF INDIANA  
IN THE MARION COUNTY SUPERIOR COURT**

CATHERINE WYSOCKI,	)	CAUSE NO. 49D07-2104-CT-011946
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
SAM'S EAST, INC. d/b/a	)	
SAM'S CLUB and WAL-MART, INC.,	)	
	)	
Defendants.	)	

**SAM'S EAST, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT**

Comes now the defendant, Sam's East, Inc. d/b/a Sam's Club, by counsel, for its Answer to plaintiff's Complaint, states:

1. Defendant admits the truth of the allegations contained in paragraph 1 of plaintiff's Complaint.
2. Defendant admits the truth of the allegations contained in paragraph 2 of plaintiff's Complaint.
3. Defendant admits the truth of the allegations contained in paragraph 3 of plaintiff's Complaint.
4. Defendant admits the truth of the allegations contained in paragraph 4 of plaintiff's Complaint.
5. Defendant denies the truth of the allegations contained in paragraph 5 of plaintiff's Complaint.
6. Defendant admits the truth of the allegations contained in paragraph 6 of plaintiff's Complaint.

7. Defendant denies the truth of the allegations contained in paragraph 7 of plaintiff's Complaint. The Sam's Club in question is operated by the correct defendant Sam's East, Inc.

8. Defendant admits the truth of the allegations contained in paragraph 8 of plaintiff's Complaint.

9. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 9 of plaintiff's Complaint.

10. Rhetorical paragraph 10 is an allegation of duty rather than of fact. To the extent a response is required, it is denied.

11. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 11 of plaintiff's Complaint.

12. Defendant denies the truth of the allegations contained in paragraph 12 of plaintiff's Complaint.

13. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 13 of plaintiff's Complaint.

14. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 14 of plaintiff's Complaint.

15. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 15 of plaintiff's Complaint.

16. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 16 of plaintiff's Complaint.

17. Defendant denies the truth of the allegations contained in paragraph 17 of plaintiff's Complaint.

WHEREFORE, defendant prays that plaintiff take nothing by way of her Complaint, for judgment in its favor and against plaintiff, for costs and for all other just and proper relief in the premises.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49  
Attorneys for Defendant Sam's East, Inc.  
d/b/a Sam's Club and Wal-Mart Stores  
East, LP (incorrectly sued as Wal-Mart,  
Inc.)

**AFFIRMATIVE DEFENSES**

1. The fault of plaintiff Catherine Wysocki caused or contributed to cause the incident in question and resulting damages.
2. Defendant reserves the right to assert additional affirmative defenses disclosed during discovery.

WHEREFORE, defendant prays that plaintiff take nothing by way of her Complaint, for judgment in its favor and against plaintiff, for costs and for all other just and proper relief in the premises.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49  
Attorneys for Defendant Sam's East, Inc.  
d/b/a Sam's Club and Wal-Mart Stores  
East, LP (incorrectly sued as Wal-Mart,  
Inc.)



**REQUEST FOR JURY TRIAL**

Comes now defendant Sam's East, Inc d/b/a Sam's Club., by counsel, and requests trial by jury in this matter.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49  
Attorneys for Defendant Sam's East, Inc.  
d/b/a Sam's Club and Wal-Mart Stores  
East, LP (incorrectly sued as Wal-Mart,  
Inc.)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of May, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Teresa L. Todd  
22 East Washington Street, Suite 210  
Indianapolis, IN 46204  
Email: terri@terriLtodd.com

/s/ Thomas L. Davis

Thomas L. Davis

FROST BROWN TODD LLC  
201 North Illinois Street, Suite 1900  
P.O. Box 44961  
Indianapolis, IN 46244-0961  
Phone: (317) 237-3800  
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LR08000.0742933 4841-4066-0456v1

**STATE OF INDIANA  
IN THE MARION COUNTY SUPERIOR COURT**

CATHERINE WYSOCKI,	)	CAUSE NO. 49D07-2104-CT-011946
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
SAM'S EAST, INC. d/b/a	)	
SAM'S CLUB and WAL-MART, INC.,	)	
	)	
Defendants.	)	

**WAL-MART, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT**

Comes now the defendant, Wal-Mart Stores East, LP (incorrectly sued as Wal-Mart, Inc.), by counsel, for its Answer to plaintiff's Complaint, states:

1. Defendant admits the truth of the allegations contained in paragraph 1 of plaintiff's Complaint.
2. Defendant admits the truth of the allegations contained in paragraph 2 of plaintiff's Complaint.
3. Defendant admits the truth of the allegations contained in paragraph 3 of plaintiff's Complaint.
4. Defendant admits the truth of the allegations contained in paragraph 4 of plaintiff's Complaint.
5. Defendant denies the truth of the allegations contained in paragraph 5 of plaintiff's Complaint.
6. Defendant admits the truth of the allegations contained in paragraph 6 of plaintiff's Complaint.

7. Defendant denies the truth of the allegations contained in paragraph 7 of plaintiff's Complaint. The Sam's Club in question is operated by the correct defendant Sam's East, Inc.

8. Defendant admits the truth of the allegations contained in paragraph 8 of plaintiff's Complaint.

9. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 9 of plaintiff's Complaint.

10. Rhetorical paragraph 10 is an allegation of duty rather than of fact. To the extent a response is required, it is denied.

11. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 11 of plaintiff's Complaint.

12. Defendant denies the truth of the allegations contained in paragraph 12 of plaintiff's Complaint.

13. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 13 of plaintiff's Complaint.

14. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 14 of plaintiff's Complaint.

15. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 15 of plaintiff's Complaint.

16. Defendant is without sufficient information or knowledge to form a belief as to the truth of the allegations contained in paragraph 16 of plaintiff's Complaint.

17. Defendant denies the truth of the allegations contained in paragraph 17 of plaintiff's Complaint.

WHEREFORE, defendant prays that plaintiff take nothing by way of her Complaint, for judgment in its favor and against plaintiff, for costs and for all other just and proper relief in the premises.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49  
Attorneys for Defendant Sam's East, Inc.  
d/b/a Sam's Club and Wal-Mart Stores  
East, LP (incorrectly sued as Wal-Mart,  
Inc.)

**AFFIRMATIVE DEFENSES**

1. The fault of plaintiff Catherine Wysocki caused or contributed to cause the incident in question and resulting damages.

2. Defendant reserves the right to assert additional affirmative defenses disclosed during discovery.

WHEREFORE, defendant prays that plaintiff take nothing by way of her Complaint, for judgment in its favor and against plaintiff, for costs and for all other just and proper relief in the premises.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49  
Attorneys for Defendant Sam's East, Inc.  
d/b/a Sam's Club and Wal-Mart Stores  
East, LP (incorrectly sued as Wal-Mart,  
Inc.)

**REQUEST FOR JURY TRIAL**

Comes now defendant Wal-Mart Stores East, LP (incorrectly sued as Wal-Mart, Inc.), by counsel, and requests trial by jury in this matter.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49  
Attorneys for Defendant Sam's East, Inc.  
d/b/a Sam's Club and Wal-Mart Stores  
East, LP (incorrectly sued as Wal-Mart,  
Inc.)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of May, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

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/s/ Thomas L. Davis

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